


Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

10/501929
PCT/FR2003/000837


07-28-04

Applicant's or agent's file reference BR3471DF/PJ	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/FR2003/000837	International filing date (day/month/year) 17 mars 2003 (17.03.2003)	Priority date (day/month/year) 18 mars 2002 (18.03.2002)
International Patent Classification (IPC) or national classification and IPC B29C 43/42		
Applicant CEBAL SAS		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 14 octobre 2003 (14.10.2003)	Date of completion of this report 13 May 2004 (13.05.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 1-23 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____ 1-13 _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages _____ 1/5-5/5 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims	1-13	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations

Claim 1

Claim 1 fulfils the requirements of novelty, inventive step and industrial applicability of PCT Article 33(2) to 33(4). The features in independent claim 1 are not mentioned in their entirety in any one of the documents in the search report or the description and, as a result, the subject matter of claim 1 is novel.

The invention is based on the prior art as described in document US-A-4 943 405. It relates to a method for producing recipients 1 that have a neck 3 by means of compression moulding. Said method includes a step of compressing a blank 20 between two mobile portions 30 and 35 including cavities designed so that, once said neck 3 has been moulded, it has a top wall 4 that includes a narrowed area 6.

The method as per the invention differs from this prior art in that said top wall 4 also includes an exertion area 91 for exerting mechanical stress F, said exertion area 91 being separate from said narrowed area 6 as described in the characterising portion of claim 1.

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These features in claim 1 are not known from the prior art cited in the search report or considered by a person skilled in the art to be an immediate or unremarkable selection. All of these specific features and their interaction make it possible to produce the moulded part without having to use a cutting tool. As a result, the method as per claim 1 is considered to involve an inventive step.

The subject matter of claim 1 is capable of operation and can be manufactured. It follows that the method is industrially applicable.

Dependent claims

Claims 2 to 13 relate to specific embodiments of the method described in claim 1. The requirements set forth in PCT Article 33(2) to (4) are, therefore, also met.